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ROBLOX INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff, Counter-Defendant

vs.

APPLE INC.

Defendant, Counterclaimant

Case No.: 4:20-cv-05640-YGR

**DECLARATION OF MARK BARBOLAK
IN SUPPORT OF APPLE INC.'S AND
EPIC GAMES, INC.'S MOTIONS TO
SEAL CERTAIN EXPERT TESTIMONY**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Mark Barbolak, declare as follows in support of Apple's Administrative Motion to
2 Partially Seal Expert Written Direct Testimony (the "Apple Motion") (Dkt. No 489) and Epic
3 Games, Inc.'s Administrative Motion to Seal Portions of its Expert Written Direct
4 Examinations (the "Epic Motion") (Dkt. No. 509):

5 1. I am Associate General Counsel of Roblox Corporation ("Roblox"). If called as
6 a witness, I could and would testify competently to all facts stated herein as follows:

7 2. I have reviewed the Apple and Epic Motions, which seek, *inter alia*, to keep
8 Figure Five of the Written Direct Testimony of Lorin M. Hitt ("Figure 5") under seal.

9 3. Figure 5 is a pie chart reflecting data contained in Apple Inc.'s Exhibit DX-3879
10 ("DX-3879"). Roblox moved to seal DX-3879 (the "Roblox Administrative Motion," Dkt. 525)
11 because DX-3879 contains highly sensitive, confidential, competitively valuable information
12 about active users of the Roblox platform. Roblox expends significant effort to keep this
13 information confidential. This information is not shared with a third party unless such party is
14 bound by a written confidentiality agreement.

15 4. Roblox would likely suffer competitive harm were this information to be made
16 public. The disclosure of user information would provide actionable intelligence to competitors
17 who could use it to focus their efforts on particular distribution platforms in order to gain a
18 competitive advantage over Roblox. In order to prevent precisely such anticipated competitive
19 harm, the above information was designated as CONFIDENTIAL or HIGHLY
20 CONFIDENTIAL – ATTORNEYS' EYES ONLY, pursuant to the Stipulated and Amended
21 Protective Order dated January 21, 2021 (the "Protective Order") (Dkt. No. 274), when Roblox
22 produced DX-3879 to Apple in response to its subpoena to Roblox in this litigation.

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